

QUID NOVI

Journal des étudiant-e-s
en droit de l'université McGill

McGill Law's
Weekly Student Newspaper

Volume 33, n°3
27 septembre 2011 | September 27th 2011



QUID NOVI

QUID NOVI
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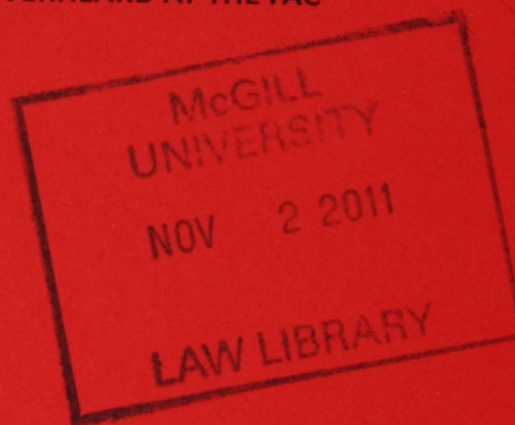
CARTOONIST
Andrew Baker

*Journal des étudiant-e-s
en droit de l'université Mc Gill*
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WANT TO TALK? TU VEUX T'EXPRIMER?

Envoyez vos commentaires ou articles avant
jeudi 17h à l'adresse : quid.law@mcgill.ca

Toute contribution doit indiquer le nom de
l'auteur, son année d'étude ainsi qu'un titre
pour l'article. L'article ne sera publiée qu'à la
discrétion du comité de rédaction, qui

basera sa décision sur la politique de
rédaction.

Contributions should preferably be submitted as
a .doc attachment (and not, for instance, a
".docx").

Co-Editor-in-Chief

AMANDA
PETRAKIS

NO INSPIRATION?

What do you write about when you have no inspiration?

What happens when you have a deadline to honour, but are finding it hard to conjure up an idea, one that will blow everyone's mind?

First of all, you have to accept that nobody's mind will be blown by an editorial you are writing at the last minute, least of all an editorial that you willingly choose to entitle "no inspiration".

Secondly, you realize you just wrote "willingly choose" and ask yourself if that is a pleonasm. It strikes you that law school has definitely permeated every inch of your encephalon. Then you wonder why you wrote "encephalon" instead of "brain". Pretentious much? C'est clairement un mot qui se dit mieux en français : encéphale.

Hallélujah! Le téléphone sonne : plus besoin d'écouter le brouhaha qui fait rage dans ton « encéphale ». C'est ton frère à l'autre bout. Il te parle de son petit oiseau qui est mort d'un cancer de foie. C'était un animal vraiment formidable pour un budgie : il articulait bien ses mots grecs. Vous passez ensuite au sujet des Américains, ensuite à la stupidité de Harper et finalement, vous vous souhaitez « bonne nuit » avant de raccrocher.

The computer screen is glaring at you again. No more excuses, it says. Get to work. You have an editorial to write. But where to begin?

You turn to good ol' Facebook, mostly because you need some form of distraction again. You get all caught up in watching every single video you were ever tagged in. You find yourself roaring in laughter before long. What exactly was your state of mind (as Justice Healy would say) while you and your friend were singing the badger song

(<http://www.youtube.com/watch?v=ElyixC9NsLI>) with rice hats on? You feel a pang of endearment while watching your friend laugh so hard in one of the videos that she suddenly grimaces and says, "Oww, my liver."

You're in a great mood. You feel like calling that friend up, just to talk, but notice the time on the bottom right corner of the screen and think better of it.

All these memorable moments tickle. They make you want to run, and hug people. They are not cooperating with the redaction of an editorial for a newspaper that is *quand même* published in a law school.

Not that studying the Law (or Laws) has to make you a super serious person. Why, just the other day, I was singing to Glee songs with a certain member of the Quid staff in our office. Nothing says "layout" like a good ol' rendition of "Give up the Funk (Tear the Roof off the Sucker)" (Parliament).

You think back to last Friday night, and how you spent the evening with a couple

of law buddies. You remember how you felt completely out of your depth when the conversation around the bowl of cut veggies and dip turned to the Israeli-Palestinian Conflict. Above all, you remember the respect you felt listening to your learned friends discuss the subject so animatedly. Such pathos! You'd like to believe that you retained some of what was exchanged that night.

After fooling around some more with Google's interactive doodle in honour of Jim Henson's 75th birthday, it hits you:

Your friends are inspirational.

Just look at the array of submissions in this week's *Quid*: you have one of your fellow McGillers who writes to you about what motivated him to start, unbeknownst to him at the onset, an international dialogue on racism; you have a strong reply to something more local: Student fee opt-outs; all the announcements for upcoming LSA events, the hidden messages in the "cartoon" by Andrew Baker... The list of submissions by very inspiring people goes on and on.

This is what I am saying, in a nutshell: Be inspirational. Make a difference. Write for the *Quid*. It's as simple as that to leave your mark on the world. You'll make an impression on me, at the very least.

Without further ado...

ANTHONY
MORGAN

BLACKFACE RESPONSE

"Education is all a matter of building bridges". —Ralph Ellison

On the campus of Université de Montréal last week, I came across a splintered bridge called miseducation. This splintered bridge manifested itself in the form of HEC Montreal students publicly (mis)representing Black people and Jamaicans in a manner that was hurtful, racist and unacceptable. While participating in a frosh-related sports-themed event, between 15 and 20 students in one group chose to represent the sport of track & field by dressing up in Jamaica-themed colours (black, green and yellow) and deciding to wear sprinting attire that exposed their blackface-covered faces, necks, arms and legs. Added to this display was the waving of several large Jamaican flags, the wearing of at least one "rasta hat" with fake dreadlocks, and the passing around of a stuffed monkey. One student was also wearing a monkey hat while another student wore Paul Frank underwear outside of his tights revealing the company's trademark monkey print. As a rallying cry, the team also had a cheer that it repeated during the rally: One group leader would yell, "Smoke some weed!" and the rest of the group would shout back in mocking Jamaican accents, "Yah man! Yah man! Yah man!" Aside from the 4 or 5 visibly uncomfortable Black students present at this frosh rally, all of the 120+ other students seemed to be having a great time with this blackface-featuring caricatured representation of Black people and Jamaicans.

It was difficult to walk by this splintered bridge. I couldn't believe what I was seeing and couldn't quite process what I was experiencing, but I knew that something serious had run amiss. I thought to myself, "Is this really happening? Why

isn't someone stopping this? How long did it take to plan and prepare this? Are they even aware of how deeply hurtful and offensive what they're doing could be to their fellow Black classmates?", and more difficult still, "Do I do something? If so, what do I do? How do I do something without being confrontational, antagonistic or being perceived as an angry and ag-



Photo courtesy Anthony Morgan

gressive Black male just trying to spoil other people's fun?" I decided to just record the events on my cellphone, and later posted the videos on YouTube.

So why call the media? If you are a member of a community that publicly has been or is continually and harmfully disparaged, denigrated, degraded, misrepresented, underrepresented for the good and/or overrepresented for the bad, I invite you to consider what your sense of self-respect would have led you to do in such a flagrantly foul situation. Are you Aboriginal, Métis, female, LGBTQI, Jewish, Muslim, Quebecois, or have a mental or physical disability? If you are *and/or* can sincerely understand and appreciate the struggles of those from any of these communities, please try to put yourself in the actual circumstances of what I experienced.

After contacting local media and having more people see what I saw through my videos, news of the incident spread internationally. At first, HEC Montreal took the public position that I "misperceived" the incident and that the students' display "touched on some sensitivities", while the student group which organized the event stated that the students' acts "were in no

way racist". After a few days of hearing the public outcry and taking a closer look at the videos, HEC Montreal changed its position, acknowledging that the students' actions were racist and unacceptable. For this they publicly and personally apologized as an institution and on behalf of the students. They have also committed to taking long-term policy-focused actions such as providing courses in cultural awareness and sensitivity training, and also re-evaluating its policies and practices so an incident like this can never happen again.

In the immediate term, I think that HEC Montreal should be commended for its apology and acknowledgement of the problem. At least in the short term, HEC Montreal has provided an exemplary demonstration of how a word-class academic institution should respond in cases

where there's clear evidence of wrongdoing. Their response so far has been superior to those of other Canadian universities who have been faced with blackface incidents on their campuses. But of course, what will matter most going forward are the details of what HEC puts in place.

Looking to the future, I think that a credible long-term response by HEC Montreal would include the following:

1. Working with recognized community organizations outside HEC in reviewing and implementing programs and policies addressing anti-racism and cultural diversity
2. High levels of student participation in this process, especially by Black and other racialized students
3. Meaningful deepening of diversity at HEC Montreal – review of recruitment practices and academic curriculum with a view to equipping a diverse student population with intercultural literacy for a diverse world

To be sure, I do not think the students involved should be punished, but that HEC should seize this opportunity by helping

them to educate themselves and their peers about the background of the symbols they used. Seeing as how the students chose to represent Jamaicans, HEC should also consider how it can use its resources as an academic institution to educate its students about not only Jamaica generally, but also inform them of the business opportunities that exist there and within the wider Caribbean.

Finally, I intend to file a complaint with the Quebec Human Rights Commission. It is my hope that the informal process, expertise and resources of the Commission will help HEC as it tackles these important and difficult issues.

Thinking beyond HEC Montreal, I think that this incident should be seen as an opportunity for us all to reflect on inclusivity, multiculturalism and the dynamics of race within Canadian academic institutions and all Canadian institutions of influence for that matter. Professor Vrinda Narain has a most compelling concept that she refers to as "critical multiculturalism" that I think is most apt for framing our discussions about the broader issues that this HEC incident has brought to the forefront. My understanding of this concept is that it si-

gnifies a move beyond food-tasting with ethnic dance and music playing in the background during special months or designated days. No, instead of having such essentializing spectacles put on for the observance and consumption of the mainstream culture, critical multiculturalism requires a proactive approach that actually and ultimately renders such things as "diversity" offices, committees and training; history months; employment equity; and general forms of affirmative action totally and perpetually obsolete. Working together, this should be our goal.

We can only get there if we have open honest, constructive, respectful and **cross-cultural** dialogue that facilitates the broad exchange of information, ideas, stories and understandings that educate and thereby build firm bridges between us all. Start the discussion where you are, because within the chasm that sits under splintered bridges lies the seeds of intolerance, racism and xenophobia. We're above such things, so let's build better bridges...together.

BLACK LAW STUDENTS' ASSOCIATION OF MCGILL

BLSAM'S RESPONSE TO THE RECENT BLACKFACE INCIDENT AT HEC MONTREAL

FOSTERING COLLECTIVE GROWTH THROUGH EDUCATION AND OPEN DIALOGUE

As you may already know, a recent blackface incident at HEC Montréal has made international headlines. On September 14th, 2011, Anthony Morgan (Law IV) captured on video a frosh week event that has shocked many and left few indifferent. The event was supposed to be a tribute to Jamaican athlete Usain Bolt. However, the dress and behaviour of the students involved did nothing to honour him or Jamaica's culture. While donning the colours of the Jamaican flag, several of these students covered their bodies with black paint, wore attire with monkey faces and repeatedly chanted "Smoke more weed" along with "Yeah mon!

Yeah mon! Yeah mon!" Jacques Nantel, HEC Montréal Secretary General, has recently apologized for the blackface stunt and has acknowledged that it was a racist act. The school plans on introducing a permanent racial sensitivity program for students as a result of the stunt.

Many opinions have been voiced in recent days on social media websites and in the news. The Black Law Students' Association of McGill welcomes the variety of opinions, from those condemning the stunt as being racist to those supporting the students

(continued from previous page)

who were involved. All opinions must be voiced if we are to engage in meaningful and critical discussions about race relations and institutional policies in Canada.

We invite you to consult the numerous articles that have been written on the subject in the press and on various blogs. We also ask that you view the video posted on YouTube and showcased on many news channels to form your own assessment of the frosh week event.

The following is the Black Law Students' Association of McGill's official statement regarding the blackface incident at HEC Montréal.

The Black Law Students' Association of McGill (BLSAM) is appalled by the recent blackface incident at HEC Montréal but remains confident that through education and open dialogue we can prevent future acts of this nature and foster collective growth.

BLSAM commends HEC Montréal for responding quickly and effectively to this situation by apologizing for the students' acts and by introducing a permanent racial sensitivity program for students. In addition, we support the school's decision not to impose punishments on the students who were involved. We recognize the incident arose out of ignorance and not maliciousness.

Rather than playing the blame game, BLSAM urges everyone to use this incident as a reminder of the work that still needs to be done in terms of securing equality for all. By addressing common misconceptions and generalizations, we hope to identify and break down the subtle and systemic barriers that result in the marginalization of many social and visible minorities in Canada.

This incident and the reactions that followed highlight the urgent need to examine the relationship between the visual representation of cultures and the persistence of discriminatory practices. In this case, blackface cannot be disconnected from the larger historical context of denigration and dehumanization of Black people. Moreover, BLSAM wishes to express its dismay at the use of monkeys and disparaging stereotypes of Jamaican culture, for such behaviour obscures the rich contributions of Jamaicans to Canadian society.

We stress that it is through lack of knowledge, interest and understanding that events such as the recent blackface incident can happen. And so, we propose that, at the very least, student associations across Canada (since these types of incidents have occurred in other universities as well) mobilize students to engage in meaningful and critical discussions about race relations and institutional policies within Canadian universities and other Canadian institutions of influence.

BLSAM hopes that through our collective discussions we will be able to show that, although some may immediately characterize it as such, this frosh week incident is not solely a Black issue. Rather, it is about the pernicious effects that trivializing cultures and belief systems has on the equality rights of individuals and groups. It is about the insidious form that racism and other types of discrimination often take in Canada.

Society cannot rid itself of its isms if we continue to turn a blind eye to these types of incidents, no matter how small and isolated they may seem individually. And so, BLSAM asks you to join us in creating an open dialogue about these issues and in implementing institutional policies to prevent future events of this nature. It is time to act and recognize our role as agents of social and political change for the betterment of ourselves and the betterment of our country.

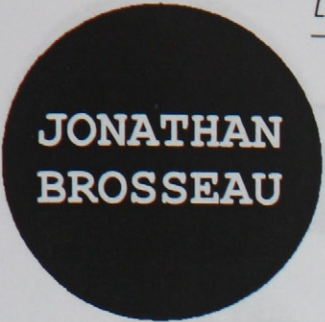
(La version française de notre communiqué suivra sous peu.)

On October 5th, 2011, the Black Law Students' Association of McGill will be hosting a roundtable discussion at 12:30 pm (room TBC). The questions that will be addressed are as follows:

- Why do you believe the blackface incident happened?
- What can we do about it?
- Why do you think it is important that all people feel included in public institutions? What are the conditions needed for such inclusion to be meaningful?

As stated in our official statement, we encourage you to come so that this much-needed dialogue can happen. All opinions and viewpoints are welcomed, encouraged and will be respected.

If you have any questions or concerns, please feel free to send them to blsa.law@mail.mcgill.ca. See you on October 5th at 12:30 pm (room TBC)!



**JONATHAN
BROSSEAU**

LA MUE

Autant dans les médias, que dans les essais signés par d'éminents professeurs, il n'est pas rare d'entendre un message fort surprenant, soit que notre société à évacuer les rites de passages. Dès lors, il semble que la laïcisation passée du Québec corresponde à une absolue perte de valeurs et de repères. Et pourtant.

Pourtant, dans le parcours de l'étudiant post-moderne, il apparaît y avoir plusieurs événements marquants, plusieurs rituels assidûment respectés. L'arrivée et la sortie constituent de bons moments de réjouissances et ce, peu importe l'âge, la classe sociale, l'origine éthique, etc.

En effet, de ces nombreux symboles du temps qui passe, certains sont manifestes, alors que d'autres pourraient être caractérisés de latents. Et, par définition, ceux-ci passent plus souvent qu'autrement inaperçus aux yeux de leurs acteurs. Ainsi, porter un regard envers ces derniers s'avère fort attrayant.

À examiner la société québécoise, il est fascinant de constater à quel point elle est bureaucratisée; « Là-bas, Monsieur, au fond du corridor. Tourner à gauche, prenez l'ascenseur jusqu'au 11e et remplissez les formulaires jaunes juste à côté des fausses plantes en plastique. »


Ces moments de profonde confusion, d'aliénation, constituent à maints égards les manières de faire associées aux nouveaux rites, dans le sens où ils permettent de catégoriser les citoyens alors qu'ils traversent ces différentes étapes. De telle sorte, le passage d'une sphère à une autre demande un processus d'identification.

C'est à ce point précis que surviennent les files d'attente. Le mot fait peur, particulièrement parce qu'il est associé à des moments désagréables où, le bon citoyens, est forcé de perdre son temps dans l'un ou l'autre des dédales gouvernementaux.

Par essence, le temps ne peut faire autrement que se perdre. Seulement, il y a des façons plus agréables de le dispenser que d'attendre qu'une voix nasillarde au microphone énonce avec grandiloquence : « B-42, le ticket B-42.... »

Dans ces moments, il est toutefois possible de remarquer des choses qui, autrement, auraient échappés à la conscience d'une personne pressée : « La fille à des cheveux de 3 couleurs différentes. Celui-là a vraiment une drôle de voix. Lui, il semble.... » De plus, des réactions extrêmes sont perceptibles. Certains tapent sauvagement du pied en espérant que cela aidera leur cause. D'autres, aux visages sereins, acceptent cette sale corvée. Mais, au bout du compte, il n'y a aucune échappatoire.

Mais, gardez le sourire, sinon vous passerez 1 an avec un triste visage sur votre carte OPUS.



**LUDOVIC
BOURDAGES**

PG13

(SOME MATERIAL MAY BE INAPPROPRIATE
FOR CHILDREN UNDER 13.)

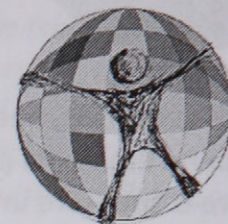
On s'injecte
du rêve
à coups de seringues
souillées
2 tachées de sang fantôme
hémophiles d'espoir
l'hémorragie
au bout de l'aiguille
la désinfection à la poubelle
on vit dans l'usagé
et on se saoule
à l'alcool à friction

2011 Montreal CCIJ Course: Criminal and Civil Liability for War Crimes, Genocide and Torture



Montreal, September 30th and October 1st, 2011

Offered by the Canadian Centre for International Justice and the McGill Centre for Human Rights and Legal Pluralism



After a sold-out first edition, this unique course on international justice returns to Montreal for a second year. Taught by some of Canada's leading experts in international justice, this course explores both the legal and practical issues involved in the pursuit of justice for war crimes, crimes against humanity, genocide and torture.

The course has two modules. **Module I**, taught in English, provides a general introduction to the field of international justice that is aimed at lawyers and law students as well as students, academics, and other professionals with an interest in these issues. **Module II**, taught in French, provides a more focused overview of the legal processes through which individuals can be held civilly and criminally accountable in Canada and abroad for international crimes. This year, module II also includes a set of updated course options for participants who attended the course last year or who are already knowledgeable about international justice.

Course Details

McGill University, Faculty of Law, Chancellor Day Hall, 3644 Peel Street

Module I: Friday, September 30, 9:00 – 5:00 (including two coffee breaks and a lunch-time lecture)

Module II: Saturday, October 1, 9:00 – 5:00 (including two coffee breaks and a lunch-time lecture)

Course Registration Fees

	Module I or II only:	Both modules:
Lawyers	\$250	\$350
NGO representatives, academics & other professionals	\$175	\$225
Students, articling students & retired persons	\$75	\$100

Please register at: <http://ccij.ca/programs/outreach-education/cle/index.php>

Contact Jean-Philippe Mac Kay (jpmackay@ccij.ca) if you require registration assistance.

This course has been accredited as a CLE activity by the Barreau du Québec.

It also qualifies as CLE activity under the Law Society of Upper Canada.

MICHÈLE
LAMARRE-
LEROUX

MALPRACTICE CUP IS HERE!

La tradition est de retour! Comme plusieurs d'entre vous le savent déjà, il est une tradition à la faculté d'organiser un tournoi sportif amical contre les étudiants de la faculté de Médecine. Encore une fois cette année, je me suis faite narguer par les organisateurs de la Medicine Students' Society au sujet de notre défaite de l'année dernière, alors cela ne peut pas se reproduire cette année! Et nous avons besoin de beaucoup de monde pour y arriver.

So save the date! **Saturday October 1st , starting at 11:00 am**, on the Rutherford Reservoir (McTavish and Docteur-Penfield). Registration fee is 10\$ and that includes a t-shirt, a free lunch, and drinks at Peel Pub right after the tournament, where you'll feel muddy, but proud.

You can register on the LSA website and pay either by credit card, cheque, or cash. Details as for payment are on the website. Deadline to register is Friday September 30th.

Also, this year we want to have some referees for the games to ensure that the tension stays at the competitive level. I would need one more volunteer to be the referee of the tournament with another law student and the two Medicine faculty volunteers. If you are interested, just write me an e-mail!

Questions, commentaires, vous pouvez me rejoindre par e-mail au vp-internal.lsa@mail.mcgill.ca ou en personne au bureau de l'AED!

Can wait to see you on the field!

Law II

ANDREW
BAKER

CARTOON



ALEXANDRA
MEUNIER &
MARIE-ANDRÉE
PLANTE

A MESSAGE FROM YOUR 4L CO-PRESIDENTS

Bonjour à tous,

Permettez-nous de nous présenter à vous si vous ne nous connaissez pas encore. Nous sommes Alexandra Meunier et Marie-Andrée Plante. Amies depuis le premier jour de l'Orientation, nous n'avons depuis cessé de nous impliquer toutes les deux dans diverses activités au sein de la faculté.

C'est avec grand plaisir que nous continuerons à nous impliquer ensemble une fois de plus cette année en tant que co-présidentes du groupe de 4e année. Puisque nous désirons représenter vos intérêts le mieux possible lors de notre mandat, permettez-nous de vous en présenter les éléments principaux.

1. REPRESENTATION

First, we will act as a liaison between the 4th year student body and the Law Student Association (LSA). As such, feel free to come to us regarding any concerns or questions you may have. We will raise them during the LSA meetings, which will take place at least twice per month.

Moreover, as required by the LSA constitution, we will host at least one Town Hall during the year. It will enable us to keep you posted on what we are doing and to hear about what matters to you.

In order to create and maintain a sense of community among the fourth year students, we will also host at least one group event per semester. The LSA constitution requires the event to be either social, cultural or educational. We are therefore opened to your suggestions and hope to see you when the chosen events will take place.

2. BAL

Une des raisons principales pour laquelle nous avons voulu occuper le poste de co-présidente des 4e année était pour créer un bal de fin d'étude à la hauteur des moments mémorables passés à la faculté.

Dans les prochaines semaines, un sondage sera distribué auprès des étudiants finissants. Ce sondage nous permettra de choisir une date ainsi qu'un emplacement et un concept en mesure de répondre aux attentes du plus grand nombre de finissants.

3. GRADUATION PICTURES

En tant que présidentes du comité de graduation, nous sommes aussi en charge de la coordination des photos de graduation. Les mosaïques étant une des plus belles traditions de la faculté, nous



ferons tout en notre pouvoir afin que chacun de vos sourires s'y retrouvent.

Nous vous donnerons plus de détails lors des prochaines semaines sur le fonctionnement des photos, leurs coûts etc.

4. CADEAU DE CLASSE

Il nous faudra aussi déterminer le cadeau que notre classe donnera à la faculté. Pour ce faire, nous serons à l'écoute de vos suggestions et procéderons à une campagne de financement afin de laisser à la faculté une marque digne des étudiants graduant en 2012.

5. YEARBOOK

The yearbook tradition has disappeared and we would be pleased to bring it back with the help of a yearbook committee.

Charlie Feldman has agreed to give us access to the thousands of pictures he has taken during the various faculty events over the years. As we all know, that the great memories saved on his Facebook account are countless. We believe it would be great to select among those memories and put them together in a paper version which everyone could keep forever.

If you are interested to bein being involved in the yearbook committee, do not hesitate to contact us!

6. VALEDICTORIAN

As chairs of the graduation committee, we will also be in charge of the election of a valedictorian. The elections will take place in April 2012.

Si vous avez de plus amples questions quant à notre mandat, nous vous invitons à nous contacter en personne ou via les adresses suivantes : alexandra.meunier@mail.mcgill.ca, marie-andree.plante@mail.mcgill.ca

Au plaisir!

QUESTION – ANSWER

Q: Is there a list or map of all uPrint printers located in the Faculty of Law (in Gelber and New Chancellor Day Hall)?

A: There are multifunctional uPrint photocopier/ scanner/ printers available in the E-Classroom on the ground floor and in the photocopy rooms on each floor of the **Library**. The uPrinter on the second floor is colour, while all others are black-and-white. The information about all Law Library facilities can be found here: <http://www.mcgill.ca/library/library-using/branches/law-library/>

In the New Chancellor Day Hall, there is an uPrint printer in the Atrium.

IMPORTANT! LAW LIBRARY STUDY HOURS HAVE BEEN EXTENDED!

Monday - Thursday

Services 10:00 a.m. - 6:00 p.m.
Study hours 10:00 a.m. – 10:00 p.m.

Friday

Services 10:00 a.m. - 5:45 p.m.
Study hours 10:00 a.m. - 6:00 p.m.

Saturday - Sunday

Library Closed

Reminder:

Humanities and Social Sciences Library and the Schulich Library of Science and Engineering remain open 24 hours a day, 7 days a week for study.

For the most up-to-date information about our opening hours please check our website <http://www.mcgill.ca/library/library-using/branches/law-library/>

GRADUATE STUDY SPACE & AFTER-HOURS-ACCESS & MOOT ROOMS ACCESS

At present, either graduate study space or the authorizations for after-hours and moot complex access cannot be given to the Law students due to the work disruption. Check this column regularly for the updates.

LAW LIBRARY RENOVATIONS UPDATE – GROUND FLOOR

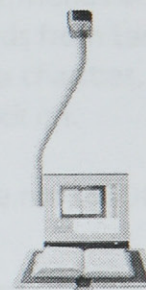
Renovations on the Library ground floor are almost finished, and most of the furniture is back. At present, on the ground floor, we have 3 computers outside of the DSS classroom connected to the network, while the work on other 6 machines is still in progress.

SCANNING AT THE LAW LIBRARY - REMINDER

- First Option: any Xerox multifunctional machine
All uPrint-enabled Xerox machines can make photocopies, print, and scan. Scanned images are then sent to an e-mail address.

- Second Option: Spirit Book Scanner: scan to your USB key

Last term, Nahum Gelber Law Library got a new Spirit Book Scanner - a self-service machine that gives you a real time preview and saves your scanned documents directly to USB. The scanner is available in the copy room at the Library 2nd floor. For more information about this device you can take a look here: <http://www.book2net.net/en/book-scanner/book2net-spirit/>



In this column, we would be delighted to answer all your library-services-related questions. Please send your questions to Svetlana Kochkina svetlana.kochkina@mcgill.ca, Liaison Librarian Nahum Gelber Law Library.



McGill

Library
Bibliothèque

Information ♦ Innovation ♦ Service

Bibliothèque Nahum Gelber Law Library

Refresher Presentations

Session in the Law Library Computer Classroom (DSCC)



Société québécoise
d'information juridique

azimut

Juris.doc (Azimut)

Wednesday, October 5th

12:30 – 2:00pm

&

CCQ Baudouin Renaud (Azimut)

Monday, October 31st

12:30 – 2:00pm



LexisNexis™

Quicklaw™

QuickLaw

Wednesday, October 19th

12:30 – 2:00pm

Westlaw.CANADA

La référence

WestLaw Canada

Wednesday, October 12th

12:30 – 2:00pm

&

La Référence (Yvon Blais)

Wednesday, November 9th

12:30 – 2:00pm

KRISTA
KAIS-PRIAL

THE HALLS ARE ALIVE ... WITH THE SOUND OF MUSIC

If you found the time to peel yourself out of the concave groove in your study chair this past weekend, you may have experienced the hipster-filled delights of the 10th annual Pop Montreal music festival. Every fall, hundreds of up-and-coming bands from all over the world flock to Montreal to be talented, sweaty and beautiful together, packing the city's hottest venues with plaid-shirted fans.

If you missed out, don't despair! It will happen again next year. To tide you over in the meantime, consider becoming involved with one of the music groups in the faculty.

No idea how to get involved? Easy! **Law School of Rock**, the annual faculty music showcase, is happening Monday November 21st at the Divan Orange. If you already have a band, or if you play an instrument and would like to get in touch with other law students who are looking for band mates, email law.got.talent@gmail.com.

We're also holding an open meeting for musicians this Wednesday during the universal break, room 316, so you can come schmooze in person. Keep an eye on facebook and the notice board for more details.

Not into rock, you say? That's cool, we can keep it low key for you too. Look out for the **Community Law Tea House** happening this term. This is the place to witness the faculty talent raw and

unplugged. If you want to play some classical piano, recite a poem, strum some mellow guitar chords, or serenade us with a throaty rendition of an Edith Piaf song, this event will be just your cup of tea. Come to take a deep breath and relax! Have a mental mini-vacation from your torts and your troubles and enjoy the show. Email matthew.gore@mail.mcgill.ca if you're interested in performing.



No time, you say? **The Transsymphonics**, the faculty choir entering its second year, is only one hour a week on Wednesday nights. Choral singing has been proven to raise endorphin levels, lower stress, and strengthen community ties. It's a great way to meet new people, learn some fun repertoire and stretch your muscles a bit. There are already many lovely ladies in the choir, but they are looking for some tenors and bases to round out the sound. If you are a dude who likes to sing, email mcgilllawchoir@gmail.com.

No talent, you say? Fantastic! You can support your friends and peers by coming to the performances. The proceeds from Law School of Rock go to support worthy Montreal-area charities, so you can feel philanthropic as you get your party rock on.

So get involved with music! There's no good excuse not to. Other than..."I don't like music". You got me there.

REMINDER: SEND US YOUR THOUGHTS!

Envoyez vos contributions à quid.law@mcgill.ca.

Deadline: every Thursday at 5 p.m.

GUIDELINES:

- Send your contributions as Word documents attached to the email.
- Include a title, your name and your year of study **in the document itself** (not in the email).
- If your article includes a photo, **include it as an attachment** in JPG format.
- Send in posters for events in PDF or JPG format.

STRIKE UPDATE

The MUNACA strike is now in its fourth week. Given the monopoly that the McGill administration has on the dissemination of information to students and staff, we feel it is important to share the following with you to ensure that you have access to both sides of the debate.

Regarding MUNACA's request for a "veto" on changes to the benefits package:

Currently, McGill can unilaterally decide to make changes to the pensions and benefits of MUNACA workers. While McGill informs MUNACA of the revisions to their benefits and pensions, at no point in this process do these employees have any substantive decision-making power. MUNACA is not seeking a veto, but merely wants to ensure that the interests of all those contributing to the plan are represented in decisions that seriously affect their lives. Support staff have recently seen two million dollars eliminated from their benefits plan following the negotiations of their last collective agreement. Now McGill plans to cut even more without consulting those affected. At other universities, workers have a say in the fate of their pensions and benefits. Joint decision-making is not a veto.

Regarding the purported 28% wage increase: McGill's presentation of the wage increase issue sensationalizes MUNACA's demands, and ignores the complicated nature of the university's wage scales. The administration is treating the progressive increase within a wage scale as an increase across the board for all MUNACA workers. This is simply not the case.

Each job a MUNACA worker is doing has a minimum and maximum amount that a person can be paid. This is called a pay scale. Employees move through the pay scale at a rate that is determined through negotiations with the employer. Once an

employee reaches the top of the pay scale in a given job, she no longer receives the progressive increase. While the wage increases proposed by MUNACA reflect both a general increase and a progressive increase, the 3% general increase per year of the collective agreement is comparable to increases negotiated across Canada and reflects the rising cost of living.

What is a progressive increase? A progressive increase is the rate that an employee's salary increases each year towards the top of the pay scale for a given job. In all other Montreal universities, it takes between 3 and 14 years to move to the top of the pay scale. At McGill it can take up to 37 years to reach the top of the pay scale. MUNACA's demands reflect a desire to bring their pay scales in line with those at other universities. In theory this translates into an increase of 6.6% per year for three years. It is important to keep in mind that this is not a general increase of 6.6% per year for all MUNACA workers. Employees that are currently at the top of the pay scale will not receive this increase.

Regarding the wage increase cap: In recent emails McGill has claimed that its offer of a 1.2% increase is in line with the Quebec Government Salary Policy. They have stated that this policy informs their salary offer to MUNACA workers. However, it is important to note that McGill did not abide by a 1.2% per year wage increase when determining academic salaries. McGill's academic salaries will increase by 3.95% beginning 1 December 2011. This is not to say that professors deserve any less. Rather, we must recognize that the work of non-academic staff has a comparable value. If increases above 1.2% are available for academic staff, why are they not available for non-academic staff?

Regarding McGill's supposed inability to pay: Many arguments against the strike and the demands of MUNACA turn on the university's purported inability to pay support staff more. But it seems incongruous that the university with the highest international profile is least able to pay its staff a fair wage when compared with other universities in the city. This is a complicated issue, but other universities are facing the same challenge of negotiating funds with the province and are not deciding to balance their budgets at the expense of its support staff.

Business as usual? McGill claims that the university continues to function and that we are experiencing business as usual. However, we expect more from this institution than equation of basic functions with quality education. Library circulation closes at 6pm and the inter-library loan program has been suspended. The SAO and CDO have reduced their services. Our emails go unanswered and many more go unsent. Students are encouraged to censor their legitimate questions and not to ask for the support that they would normally expect. Most importantly, a crucial part of the Faculty's social fabric is missing. New Chancellor Day Hall feels like a shadow of its former self.

We have joined our support staff on the picket lines. They have told us how important the students at the Faculty of Law are to them. They miss you. They, like us, would rather this strike be settled. We encourage you to show them your support. If you have any questions about how you can do so, email radlaw.mcgill@gmail.com or join us **this Wednesday at 11:30 in front of the library** to join the picket line.

SCOTT
HORNE

Law II

THE AMATEUR SOMMELIER'S GUIDE TO LAW SCHOOL

While the pairing of wine with food is relatively well understood, little indeed is known about the selection of wines to accompany the readings for various courses in law school. The legal scholarship remains mute on the subject, and the courts offer no advice at all (not even obiter). Œnologists too have failed to address this important question. Scandalously, the Federation of Law Societies of Canada neglected to include a wine list in its recent proposal for a new Common-law curriculum. In the absence of precedent and doctrine, whatever is the bewildered law student to do?

Fear not, O noble and learned friends, for your humble servant has selflessly undertaken the thankless task of filling this lacuna in the legal academy. After much experimentation (and three worn-out corkscrews), I have come up with the following recommendations to render your studies more palatable. Raise your glasses to a successful and fulfilling year!

[Public-service announcement: La Société des 'alcools du Québec tient à souligner que la modération a bien meilleur goût.]

Constitutional Law: Long, lush, and well developed, like a Living Tree. Sophisticated and round. Prefer a grand cru from Burgundy.

Contractual Obligations: Fair and balanced; dry, with a crisp finish. Consider a pinot blanc.

Extracontractual Obligations: Light, sober, and free of faults. Low alcohol content, to be on the safe side. The Reasonable Man favours a German Riesling.

Foundations of Canadian Law: A notoriously difficult pairing. Perhaps an ice wine from Niagara, or something made from maple syrup.

Civil-Law Property: Straightforward and accessible, if musty, with a feudal heritage. Buy directly from a vigneron on the île d'Orléans.

Common-Law Property: Mead, for its Anglo-Saxon associations. In the alternative, cider or calvados imported from Normandy.

Advanced Civil-Law Obligations: Full-bodied and complex, with pronounced tannins. Choose a high-end Médoc.

Advanced Common-Law Obligations: Similar to the preceding, but with an antique bouquet and a long, earthy evolution. A good Australian Shiraz or a Chilean Carménère.

Judicial Institutions and Civil Procedure: Claret and sherry remain popular at the Inns of Court.

Criminal Law: Moonshine. Also absinthe in some localities.

Maritime Law: Fortified to withstand the long, arduous journey. Madeira is sure to satisfy.

Environmental Law: Nothing but vinho verde (literally 'green wine' in Portuguese).

Family Law: Sweet and lovely attack, with a bitter finish. Ideally a Californian jug rosé.

US Constitutional Law: Chocolate milk when studying the Prohibition era (1919–33).

Public International Law: Floral enough to mask unsavoury reality. Try an Alsatian Gewürztraminer.

Private International Law: Insist on a bottle from your preferred jurisdiction.

Intellectual Property: Green and pretentious, betraying its youth. Just about any overpriced white from New Zealand.

Law and Poverty: Thunderbird in a brown paper bag.

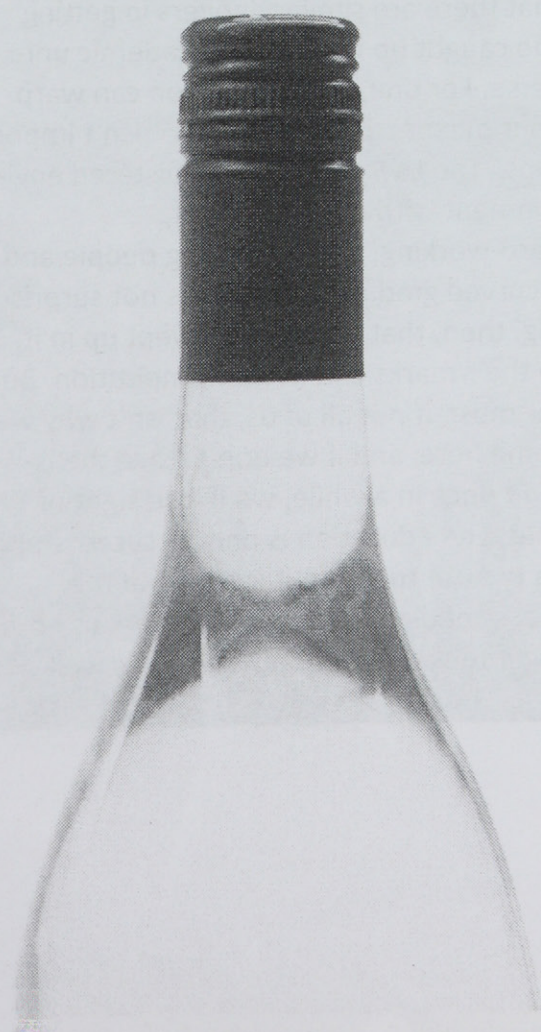
Taxation Law: Red, to match your ink. Inexpensive, unless it's deductible. The shorter the time to maturity, the sooner it can be fully depreciated. Select a merlot.

Roman Law: Amphorae of vinum Falernum having been hard to obtain in recent millennia, you might venture as far as the Umbrian foothills — or into Switzerland, to indulge your imperial transalpine ambitions.

Talmudic Law: Kosher wine, of course. L'chayyim!

Food Law: Choose a bottle specially for each course. Start with your favourite apéritif; conclude with brandy, port, or grappa.

Legal Ethics and Advocacy: Once you've handed your factum in, spring for the best damn champagne you can afford.



DAVID
GROVES

Law 1

THE ISLAND ON THE HILL

So a few days ago, enjoying some reprieve in the eye of a readings hurricane, a conversation over beer turned to the subject of island biogeography. Don't yawn yet! Island biogeography is actually pretty cool stuff, especially if your definition of pretty cool stuff is similar to mine. Assuming it isn't, though, and you're already considering moving on to a different article, the reason it's pretty cool stuff is because islands are like little isolated laboratories, tucked far away from the rest of the world. The longer they're tucked away, the more the various animal species on the island evolve, isolated, from their sister communities nearby. We all know about the Galapagos, the acid trip of an ecosystem that helped Darwin get evolution sorted out, but the even more fantastic example of island endemism, in my mind, is Flores, in Indonesia. In 2003, archaeologists there discovered the remains of nine hobbit-sized hominids, complete with tools, dating from somewhere between 95,000 to 13,000 years ago (I know, I know, not the most accurate timeframe in the world). The consensus, as much as there ever is a consensus in archaeology, is that the hobbits (*Homo floresiensis*) are a genuinely different human species, one that evolved on Flores and, as far as we know, never left. Crazier still, they lived alongside pygmy elephants and normal-sized komodo dragons (for them, normal-sized elephants, and giant man-eating dragons with toxic saliva). One can only imagine what it was like for our ancestors to land on Flores, trip over an elephant, and get subsequently assaulted by a group of Lilliputians.

The point is, islands are weird. And they make things weird. People too. That can be good, because weird is good and generally weird is what makes the world move in new directions. It can also be bad; isolated island populations are notorious for faring horribly when they come in contact with the outside world. New

Zealand, for example, was home to a whole family of 12-foot tall flightless birds known as Moa. Within a century of arriving on the islands, the Maori had hunted them out of existence. The Maori actually provide us an even more gruesome example in their conquest of the Chatham Islands, a chain 800 kilometres to the east of New Zealand. The native Moriori, isolated for so long from the rest of the world, had developed a highly intricate and strict taboo on violence of all forms; if you've ever watched the New Zealand All Blacks play rugby, you can imagine how effective that was. With absolutely no resistance, the Maori showed up, murdered almost everyone, and enslaved the rest.

Anyway, this in turn got me thinking about my (admittedly limited) experience with law school so far. I'm groping for it, but there's a metaphor in all this. McGill is an island, in one sense, in the sea of Montréal: it's got its own bars, its own neighbourhood, even its own bubble. But then within that island is another island (this is all very *Inception*, but stay with me here), our island, tucked up in the top corner. Now, I don't think an Engineering war party is going to come up one day and murder and enslave us all,* but I do think that there are similar dangers in getting too caught up in our little academic universe. For one, island isolation can warp your perspective on what is or isn't important. The Law Faculty is a cloistered environment with 600 intelligent, hard-working, high-achieving people and a curved grading scheme. It's not surprising, then, that people get swept up in it, in their marks and in the competition. But for most, if not all of us, that isn't why we came here, and if we don't leave the island once in a while, we'll lose sight of that. The education is only as successful as the use to which it is put, and the marks of distinction and titles mean nothing if they don't get put to use as well.

Another potential hazard of island life is what happens when you leave. Pulling the metaphor even further out, to some extent all disciplines are like islands, and law, with its arcane language, theory, and procedure, is no exception. I'm only a few weeks in and I'm already finding that I'm boring my friends and family more than I used to. What will happen in three years? Well, if we're not careful (note the sneaky shift from I to we here; already starting to learn the ropes!), we'll have evolved into walking, talking, enjoyment-ruining machines, the kind of people who other people spill drinks to get away from. And that's a real loss, because law is a discipline that does not and cannot operate in a vacuum. It has to interact with the world; it is nothing but the codification and regulation of human behaviour. If we can't talk about what we do with non-lawyers in a non-lawyer way, can't make it relevant or interesting, then we're not interacting. And if we're not interacting, what exactly are we accomplishing?

The point, aside from the suggestion that everyone google *Homo Floresiensis*, is not that you should run screaming from every law event, wear earplugs during your lectures, and wrap all your stuff in cellophane to prevent contamination. A balance is necessary. Keep in mind that there is value in leaving the island once in a while. Stay in touch with the work you did and the life you lived before you came here. Explore the city, take a break from law, perhaps even check out Nova's excellent documentary on the Flores fossils, *Alien from Earth* (okay, okay, I'm done). Just don't let you or your world get smaller. It didn't end too well for the little guys last time.

*It is, however, something we should prepare for. Those guys are capable of anything.

ALEXANDRE
MICHAUD

Law 1

LES CHRONIQUES HISTORIQUES

LA TULIPOMANIE

L'Histoire telle qu'on l'apprend en classe est toujours bien sérieuse. Depuis les guerres et les conquêtes jusqu'aux coups d'États et aux décrets d'importance, l'anecdote n'y a qu'une place limitée. Pourtant, les millénaires qui ont façonné notre monde regorgent de détails ou de faits qui sont devenus, pour l'observateur moderne, aussi curieux qu'amusants. Je me propose donc de vous livrer, avec autant de régularité que le permettront mes études de droit nouvellement entreprises, quelques-unes de ces petites histoires qui font partie de la grande Histoire.

La tulipomanie

Cette première anecdote nous replonge dans la première moitié du XVII^e siècle, aux Provinces-Unies (qui devaient plus tard devenir les actuels Pays-Bas). À l'époque, l'horticulture y atteignit des sommets de popularité : les fleurs ornementales étaient devenues de véritables produits de luxe, avec le développement de nouvelles variétés et la découverte de nouvelles plantes, parmi lesquelles on compte l'incontournable tulipe.

Aujourd'hui symbole par excellence des Pays-Bas, la tulipe lui a pourtant causé bien des ennuis économiques lorsqu'elle fut l'objet de ce que certains économistes ont qualifié de « première bulle spéculative de l'Histoire ». En effet, dès le début des années 1630, les prix commencent à monter fabuleusement vite, et lorsqu'une demande française vient stimuler encore davantage la demande, les spéculateurs commencent à s'intéresser au

marché. En 1635, il devient possible d'acheter des parts de bulbes de tulipe, et l'année suivante, devant l'engouement que provoquent ces transactions, on instaure un système qui sera le prototype de la bourse de commerce.

Les prix continuent d'enfler démesurément. En 1637, un bulbe atteint le prix record de 6700 florins, un florin de l'époque équivalant grosso-modo à 13 dollars d'aujourd'hui (faites le calcul : ça donne plus de 87 000\$ pour un seul oignon!). On estime qu'au plus fort de la crise, un unique bulbe de tulipe permettait d'acquérir deux maisons, représentant quinze fois le salaire annuel d'un artisan spécialisé!

Cette folie néerlandaise fut toutefois de courte durée : en février de la même année, devant la difficulté de trouver des acquéreurs, on sent que le marché s'essouffle. Les événements se précipitent alors, les investisseurs se retirent, la bulle éclate : c'est le premier crash boursier de l'Histoire. Les conséquences sont bien sûr dramatiques : certains sont tenus par leurs promesses d'achat de déboursier plusieurs fois la valeur réelle des bulbes

qu'ils achètent, alors que d'autres se retrouvent propriétaires d'un « capital » de tulipes qui ne vaut plus rien. C'est la crise.

C'est ce qu'on a plus tard appelé la tulipomanie. Au moins, cet épisode aura permis des innovations de l'appareil économique qui nous servent encore aujourd'hui, en même temps qu'il nous fournissait la meilleure des mises en garde contre les effets de masse et la spéculation irrationnelle.

Et le droit, dans tout ça?

Pour rester dans le domaine des anecdotes incongrues et des tulipes, il convient de parler de celles qui ornent les parterres du Parlement canadien. La petite histoire se résume bien : alors que la Seconde Guerre mondiale faisait rage en Europe et que les Pays-Bas étaient sous occupation allemande, c'est au Canada que s'était réfugiée la famille royale de la nation. C'est durant cet exil à Ottawa qu'est née, le 19 janvier 1943, la princesse Margriet. Afin d'avoir uniquement la citoyenneté néerlandaise, sa chambre d'hôpital a pour l'occasion été déclarée extraterritoriale. Ce jour-là, le drapeau des Pays-Bas a été hissé au sommet du Parlement : c'est le seul drapeau étranger à l'avoir fait. Depuis lors, en remerciement de cette faveur et en reconnaissance du rôle du Canada dans la libération des Pays-Bas, les monarques néerlandais envoient, chaque année, les bulbes de tulipes qui iront décorer les parterres du Parlement.



JULIA
BETTS

Law 11

LETTER TO THE EDITOR

RE: STUDENT FEE OPT-OUTS

I would like to respond to the article that Michael Shortt wrote in the September 20th issue of the *Quid Novi* giving purportedly even-handed advice about Student Fee Opt-outs. Thankfully you still have time to make an informed decision. If you've taken his advice, know that he hasn't told you the full story. You have until the 29th of September.

Shortt's discussion did not take into account the merit of any of these organizations. His argument against CKUT relied entirely on one fundraising campaign which he demonized for spending money on its own publicity. Well to tell you the truth, most media organizations do this all the time, it's part of the business unless you're entirely state-funded. CKUT is a resource for the Montreal community at large, not just for McGill. Not all of us are content to listen to top 40 radio. This station plays music you wouldn't hear in the mainstream and they conduct political debates on local and national issues on shows such as *Off the Hour* that you

wouldn't hear on CBC. Not to mention McGill Law's very own show *LegalEase*, hosted by fellow students on topical legal issues. CKUT and McGill TV give our fellow students the opportunity to engage with the community, communicate ideas, learn valuable skills and showcase their talents in a realm that is not graded or otherwise compared to their peers.

As for QPIRG, Quebec Public Interest Research Group, this organization is controversial, but mostly because it supports non-mainstream research on issues of gender, class, race, sexual orientation, among many others. We shouldn't be afraid of such a group: we're in a university where ideas are meant to challenge us, not scare us. It would be unfortunate if this organization altered their funding choices out of fear of alienating students. So, I urge you to do your research and think hard before you decide you aren't enough of a "lefty" to give them your money.

The fee opt-outs allow us, the cash-strapped students, to have more choice in how we spend our money. I fear that Michael Shortt's article will encourage a knee-jerk reaction. It might encourage those who wish to save money to make uninformed decisions and thus remove funding from otherwise deserving causes. The savings, you'll notice, are not so fantastic: \$35 might get you two lunches at Thompson House. We fund organizations that not everyone participates in or supports all the time—such as sports teams, conferences or social events, to name a few. But I would not advocate that we cut the funding simply because I would rather spend that money on breakfast. That would deprive fellow students of resources that make their time at school rich, meaningful or just fun. So, please, before you make your opt-out decision, do a little research, think about the effect your opt-out might have and remember that in the end it's not all that much money.

OVERHEARD AT THE FAC

1L: Is there a protocol for excusing yourself when you rip a nasty one in lecture? They skipped this at orientation.

2L: *announcement that library is closing* I swear, my legs are open more often than this library and I'm not even getting any.

4L: 120 for bottles instead of 170? Ill take three!!! *Sincerely: Young, White and Rich*

3L: I don't mind them striking but at least get some rhythm for the drum beats -- this is worse than the tam-tams...

1L: My French is not very good. I've been here for ten years, so my French is still prepuberal.

Prof. [redacted]: By now, I think you've been disabused of the fact judges know how to write.

2L, in Common Law Property: But say your Blackberry gets up and walks away from you...

Prof. R. Gold: The nice thing about being a lawyer is you don't have to know anything, you just have to sound like you do.

Prof. Adams: Being a law students, you terrify your dinner companions with your finely-honed argumentative skills... Eventually you can't keep friends.

Panelist in Legal Ethics: Quand moi je venais à McGill, on sautait les vendredi après-midis... Je vois que les mœurs ont changé!

Panelist 2 in Legal Ethics: I hope you will take me seriously, I am wearing polka dots. Last Friday of the month is casual Friday!

ERRATUM

Thank you to the attentive reader who sent us the following note highlighting a slight misquote in last week's Overheard section.

Regarding "We'll have to fast forward a bit through the irrelevant parts, such as people masturbating in Santa Claus hats.":

That was, "People **masquerading** in Santa Claus hats". Could Overheard be overheated? Could Overheard move closer to the front? Will still be incognito as long as not wearing a Santa hat.

ENVOYEZ-NOUS CE QUE VOUS ENTENDEZ !

quid.overheard@gmail.com

